



**Convention on the Rights
of Persons with Disabilities**

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Committee on the Rights of Persons with Disabilities
Twentieth session

Summary record of the second part (public)* of the 405th meeting

Held at the Palais des Nations, Geneva, on Friday, 31 August 2018, at 5 p.m.

Chair: Ms. Degener

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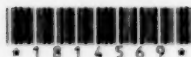
Cooperation with other United Nations bodies, specialized agencies, organizations of persons with disabilities and other competent bodies (*continued*)

* The summary record of the first part (closed) of the meeting appears as document CRPD/C/SR.405.

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The public part of the meeting was called to order at 5 p.m.

Cooperation with other United Nations bodies, specialized agencies, organizations of persons with disabilities and other competent bodies (continued)

Commemoration of 10 years of activities of the Committee on the Rights of Persons with Disabilities

1. **Mr. Nowosad** (Office of the United Nations High Commissioner for Human Rights (OHCHR)), speaking as moderator, said that the event was an opportunity to celebrate the work of the Committee and the contributions of stakeholders, highlight the progress made in the promotion and protection of the rights of persons with disabilities and identify the key remaining challenges in that regard. He wished to thank all those who had provided support to the Committee over the past decade, notably Jorge Araya, who had served for seven years as Secretary of the Committee, and his predecessor, Safak Pavey.
2. **The Chair**, introducing the report entitled "Towards Inclusive Equality: 10 Years. Committee on the Rights of Persons with Disabilities", said that the report was available in print and on the Committee's website and would, it was hoped, be published in Easy Read format in time for the International Day of Persons with Disabilities on 3 December 2018. The Convention was the most swiftly ratified of all the international human rights treaties, with 177 ratifications to date. The report provided an overview of the Committee's work under the Convention and the Optional Protocol thereto over the past 10 years and of the way in which the Convention's provisions should be interpreted. The aim of the document was to raise awareness of the human rights model of disability and to improve human rights education on disability issues. The report contained analysis of all the Committee's general comments, guidelines and concluding observations, its work on individual communications and its activities relating to the inquiry procedure.
3. The Committee had given life to the rights enshrined in the Convention and to the many new legal concepts they entailed. In particular, it had introduced into international law a new inclusive concept of equality that transcended mere formal equality. It had, moreover, challenged the legal concept of incapacity and begun the process of banishing it from modern international human rights law. Furthermore, the Committee had set out a truly universal freedom agenda that opened the way for inclusive concepts of legal personhood, while outlawing violence against and forced treatment of persons with disabilities. As a result of that work, the Committee's fellow treaty bodies and other human rights bodies, organizations and mandate holders had begun to treat persons with disabilities as rights holders and had gained an understanding of issues such as accessibility, reasonable accommodation and supported decision-making.
4. The Committee had also done much to promote the setting up of national monitoring mechanisms in States parties and to initiate dialogues with national human rights institutions, independent monitoring mechanisms and civil society organizations, and had thus helped to mainstream disability into human rights law and policy. Lastly, the Committee had boosted accessibility and diversity within the United Nations system, as evidenced by the increasingly accessible nature of United Nations buildings and the provision of captioning and sign language interpretation services for all the Committee's meetings. Work had begun to introduce plain language and Easy Read versions of documentation in that context.
5. **Mr. McCallum** (former Chair of the Committee) said that, when the Committee had first met in February 2009, it had comprised 12 members, 9 of whom had been persons with disabilities. With the increase in the number of ratifications of the Convention, the membership had been expanded to 18 in 2010. Over the past 10 years, the vast majority of Committee members had been persons with disabilities.
6. Within the first two years of its existence, the Committee had drafted its rules of procedure, developed its work programme and published its initial reporting guidelines. The Committee's first interactive dialogue had been particularly significant, conducted as it was with the interim Government of Tunisia in April 2011, at the time of the Arab Spring.

Another dialogue that stood out had been that held in 2012 with China, a world Power that had shown a high level of respect for the Committee and its work.

7. Government officials and ministers participating in interactive dialogues had frequently been taken aback at the high quality of the questions put to them by persons with disabilities. Such dialogues were vital in providing role models for persons with disabilities, in the form of well-qualified and articulate Committee members. The Committee had changed the United Nations and the wider world. In that regard, it was to be hoped that work to render the Palais des Nations more accessible would proceed speedily.

8. **Ms. Cisternas Reyes** (Special Envoy of the Secretary-General on Disability and Accessibility and former Chair of the Committee), speaking via video link, said that the establishment of the Committee had been a historic event. She had appreciated the diversity of the membership of that initial Committee and the strong bonds of fellowship that had united members in their diversity.

9. It had been a privilege to chair the Committee and to represent it in different forums, notably the meetings of the Chairs of the human rights treaty bodies. Through those meetings, the Chairs had contributed to the treaty body strengthening process, which had enhanced the effectiveness of the treaty bodies and underscored the independence and impartiality that all committee experts must demonstrate. They had also been able to take part in the drafting of the 2030 Agenda for Sustainable Development, affording them an opportunity to speak up for human rights in the context of development processes.

10. In addition to providing a forum for discussion within which varying opinions were respected, the Committee had also achieved solid results. Through teamwork and dialogue, the members had ensured that the Committee stood on an equal footing with the other human rights treaty bodies. She trusted that it would continue to do its work rigorously and effectively and to enjoy diversity in its membership. In that regard, she noted with satisfaction that gender balance had, to a certain extent, been restored within the Committee.

11. **Ms. Devandas Aguilar** (Special Rapporteur on the rights of persons with disabilities) said that the adoption of the Convention in 2006 had represented a milestone in international human rights law and a watershed moment for the disability community. Thanks to the Convention, persons with disabilities were no longer seen as recipients of care and charity, but as autonomous rights holders. Although the advent of the Convention had reflected a desire to transform laws, policies, environments, attitudes and approaches, it had been unclear at the time whether that promise of change would ultimately be fulfilled.

12. In that regard, the Committee had been instrumental in operationalizing the Convention and translating the general obligations it established into specific calls for action. It had played an important pedagogical role in elucidating the innovations of the Convention, such as the human rights-based approach to disability, the concept of transformative equality and the paradigm shift it sought to bring about with respect to legal capacity. Overall, the Committee's work had facilitated the development of more specific standards to guide the implementation of the Convention and a more detailed examination of the challenges faced by States parties in giving effect to the rights it contained.

13. The Committee's well-crafted general comments and guidelines represented the most advanced thinking on human rights. It was her hope that they would lead the way towards the full recognition of the rights of persons with disabilities by other human rights treaty bodies and regional bodies.

14. The Committee's working methods reflected the spirit and principles of the Convention, including accessibility and participation. By striving to ensure the participation of persons with disabilities and their representative organizations at all levels of its work, the Committee had set an example for other human rights bodies.

15. Many of the challenges currently facing the Committee were consequences of its success. For example, the Committee's innovative jurisprudence had put it on a collision course with less progressive sectors of the human rights system, including those that had yet to embrace the human rights-based model of disability. It was important to address any such differences in a timely manner in order to prevent them from escalating.

16. The first 10 years of the Committee's activities had shown the importance of translating the abstractions of international human rights law into tangible results. By addressing the most serious violations of the rights of persons with disabilities, who had for too long been ignored, the Committee had made the United Nations system relevant to them for the first time.

17. **Mr. Nowosad** (Office of the United Nations High Commissioner for Human Rights), speaking as moderator, said that the Committee performed a valuable pedagogical role across the United Nations system. The Secretary-General had increasingly prioritized the promotion and protection of the rights of persons with disabilities and the provision of relevant training for international civil servants.

18. **Ms. Quan-Chang** (International Disability Alliance (IDA)) said that, over the course of its long-standing cooperation with the Committee, IDA had witnessed the development of the Committee's experience, knowledge and jurisprudence. The active engagement and participation of persons with disabilities and their representative organizations had been instrumental in that regard, and had always been encouraged by the Committee.

19. Through its advocacy work with the other human rights treaty bodies, IDA had witnessed the transformation that the Committee's openness to civil society participation and emphasis on accessibility had brought about across the treaty body system. The Committee was to be commended for paying serious attention to the concerns of all persons with disabilities and responding in a proactive manner.

20. The Committee's achievements in advancing the rights of persons with disabilities at the international level were to be celebrated. However, great challenges remained at the regional, national and local levels. One cause for concern was the risk that the outcome measures to be adopted at the conclusion of the review of the treaty body strengthening process would hamper the Committee's work and undermine its strength and visibility.

21. She wished to urge the Committee to continue working closely with the other human rights treaty bodies to mainstream the rights of persons with disabilities across the treaty body system. IDA would continue to cooperate with the Committee and to strive to make the voices of persons with disabilities heard.

22. **Mr. Nowosad** (Office of the United Nations High Commissioner for Human Rights), speaking as moderator, said that the Committee's close cooperation with civil society had been instrumental in mainstreaming disability-related issues.

23. **Ms. Lomjaria** (Public Defender of Georgia), speaking on behalf of the Global Alliance of National Human Rights Institutions (GANHRI), said that 2018 marked 10 years of cooperation between the Committee, national human rights institutions and their regional and global networks. As independent bodies with a broad human rights mandate, national human rights institutions were in a unique position to translate the Convention and the Committee's work into lived realities on the ground. By performing the various functions described in the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), they offered a reliable source of information on the human rights situation in individual countries and played an important role in the context of follow-up.

24. The role of national human rights institutions was recognized in article 33 (2) of the Convention, which stipulated that, when designating or establishing a mechanism to monitor implementation, States parties should take account of the Paris Principles, while article 33 (3) required States parties to ensure the involvement and participation of civil society, in particular persons with disabilities and their representative organizations, in the monitoring process.

25. Ever since its establishment, the Committee had made known the high value it placed on the work of national human rights institutions. The Committee had sought to strengthen such institutions through its concluding observations and had been a pioneer among the human rights treaty bodies in exploring the possibility of increased collaboration in that regard.

26. The Committee and GANHRI had organized a series of joint activities to strengthen cooperation with national human rights institutions. In 2014, they had organized a landmark event on the monitoring of the implementation of the Convention, which had brought together Committee members and more than 100 participants from independent monitoring frameworks and national human rights institutions. In 2016, the Committee had adopted a set of guidelines for independent monitoring frameworks and their participation in the Committee's work, which were aimed at promoting the participation of such frameworks in all aspects of the Committee's activities.

27. In August 2017, the Committee had decided to organize an annual meeting with independent monitoring frameworks and national human rights institutions. The Committee and GANHRI had held the first such meeting in early 2018, in coordination with IDA. That historic event had given national human rights institutions an opportunity to discuss their experiences of monitoring and data collection in relation to the implementation of the Convention, other international human rights treaties and the Sustainable Development Goals. They had also shared best practices for the meaningful and effective involvement of persons with disabilities in monitoring. The Committee and GANHRI had adopted a landmark joint declaration on national monitoring of the implementation of article 19 of the Convention.

28. The Office of the Public Defender of Georgia was a good example of a national human rights institution that cooperated with the Committee. Since 2015, the Office had served as the national mechanism for monitoring the implementation of the Convention in Georgia. The mechanism had been established in accordance with the Committee's guidelines and included a monitoring group and a consultative council. In 2017, the Office had submitted an alternative report to the Committee. That report had focused on a wide range of issues, and the Committee's guidelines had been critical to its preparation.

29. It was to be hoped that the Committee's long-standing and fruitful cooperation with organizations of persons with disabilities would continue in the coming years.

30. **Mr. Nowosad** (Office of the United Nations High Commissioner for Human Rights), speaking as moderator, said that the Convention was the only United Nations human rights treaty in which explicit reference was made to the Paris Principles, while the Committee was the only treaty body that gave a voice to national human rights institutions at both the beginning and the end of its dialogues with States parties.

31. **Ms. Bianchi** (Office of the United Nations High Commissioner for Human Rights) said that she wished to convey congratulations on the occasion of the tenth anniversary of the entry into force of the Convention on behalf of François Xavier Ngarambe, Ambassador and Permanent Representative of Rwanda to the United Nations Office and other international organizations in Geneva, Vice-President of the Human Rights Council and Chair of the Council's Task Force on secretariat services, accessibility for persons with disabilities and use of information technology, of which she was the Secretary.

32. The Task Force had been established in 2011 pursuant to Human Rights Council resolution 16/21. In 2012, the Council had endorsed the Task Force's recommendations that an accessibility plan should be drawn up and its financial implications examined. The accessibility plan had been drafted through an inclusive process as part of which all stakeholders had been invited to respond to a dedicated questionnaire. It was both a framework for action and a tool with which to monitor the progress that had been made in terms of accessibility.

33. The accessibility of the Council's work had improved considerably over the previous 10 years. The number of panel discussions mandated by a Council resolution to be fully accessible had increased from two in 2014 to three in 2018. There had been a total of 23 fully accessible panel discussions since 2014, many of which had addressed issues that were not specifically related to disability. There was, of course, a need for a culture change with regard to accessibility that went beyond what could be mandated in resolutions.

34. The secretariat of the Human Rights Council had fully implemented a policy under which only documents submitted by States in an approved, accessible format were uploaded to its extranet. The secretariat issued around 80 per cent of Council documents in

approved, accessible formats and was committed to ensuring the full accessibility of all the documents issued by the Council by 2019.

35. The Task Force would meet before the end of 2018 and report to the Council at a later stage. It would update the accessibility guide to the Human Rights Council for persons with disabilities, was exploring the possibility of issuing reports in Easy Read format and aimed to produce a cost plan for the accessibility plan. It was hoped that, by ensuring that more Council resolutions mandated the full accessibility of panel discussions and by preparing the appropriate statements of programme budget implications, it would be possible to include provision for accessibility services in the regular budget of the United Nations.

36. **Mr. Pyaneandee**, expressing appreciation for the work of the outgoing members of the Committee, said that he wished to dedicate his recent book, *International Disability Law: A Practical Approach to the United Nations Convention on the Rights of Persons with Disabilities*, to the Chair, who had been a great inspiration for him.

37. **Mr. Araya** (Office of the United Nations High Commissioner for Human Rights) said that he was grateful to all those who had contributed to the success of the Committee's work over the previous 10 years. The Committee's achievements were many and varied.

38. **Mr. Nowosad** (Office of the United Nations High Commissioner for Human Rights), speaking as moderator, thanked all the participants for an insightful discussion.

The meeting rose at 6.05 p.m.